

SAHUARITA ORDINANCE NO. 2026-194

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF SAHUARITA, ARIZONA, AMENDING THE SAHUARITA TOWN CODE TITLE 8 HEALTH AND SANITATION, BY AMENDING CHAPTER 8.50 URBAN CAMPING, TO PROHIBIT CAMPING WITHOUT A PERMIT IN PARKS, STREETS AND OTHER PUBLIC PLACES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, public places in the Town of Sahuarita (the “Town”), including public parks, provide common areas for residents of the community and non-residents to meet, relax, and take part in recreational, cultural, social, and other activities; and

WHEREAS, it is the responsibility of the Town and, in the best interests of residents of the community and nonresidents, to ensure that public streets, sidewalks, parks, and other public places are made readily accessible to the public; and

WHEREAS, in furtherance of protecting these public areas, it is in the best interests of the Town to prohibit the use of certain public areas for urban camping and the storage of personal property, other than those for which the property was designed; and

WHEREAS, the Town has experienced an influx of individuals camping on public property and desires to impose reasonable regulations to regulate the time, place, and manner of camping in Town limits to protect public health, safety, and sanitation, and allow tools to prevent and address public nuisances; and

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Sahuarita, Arizona, as follows:

Section 1. In General. The Code of Sahuarita, Arizona, Title 8 Health and Sanitation, is hereby repealed in its entirety, and the following is adopted in lieu thereof:

CHAPTER 8.50 URBAN CAMPING

SECTIONS:

8.50.010 DEFINITIONS.

8.50.020 PROHIBITED USE OF PUBLIC RIGHT-OF-WAY.

8.50.030 CAMPING IN PUBLIC PLACES.

8.50.040 TEMPORARY EXCLUSION FROM TOWN PARK PROPERTIES.

8.50.050 VIOLATION – PENALTY.

8.50.010 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Camp” or *“Camping”* means to reside in or use a public park, public place, or public street, or to use any building, facility, or structure, on any property that is owned, possessed, or controlled by the Town for living accommodation purposes including, but not limited to, activities such as erecting tents or any other structure providing shelter, placing stakes or similar devices into the ground, digging or breaking earth, laying down bedding for the purposes of sleeping, using or placing camp paraphernalia, storing personal belongings, starting a fire, regularly cooking or preparing meals, or living in a parked vehicle. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area for living accommodation purposes regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, cardboard boxes used as makeshift structures, blankets, or non-town designated cooking facilities and similar equipment.

“Public park” means all town parks and playgrounds.

“Public place” means public plazas, transportation facilities, bus stops, schools, attractions, monuments, public right of way property, and improved and unimproved public area.

“Public street” means all public streets and highways, public sidewalks and includes public benches, public parking lots, and public parking structures.

8.50.020 Prohibited Use of Public Right-Of-Way.

A. It shall be unlawful for any person to use a public street, alley, lane, parkway, or other right-of-way, whether such right-of-way has been dedicated to the public, in fee or by easement, for lying, sleeping, remaining in a sitting position thereon, or camping, except in the case of a physical emergency or the administration of medical assistance.

B. No person may sleep in any pedestrian or vehicular entrance to public or private property that abuts a public sidewalk.

C. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises as a matter of individual and public safety. Upon removal from the premises, the person’s camping paraphernalia will also be removed and given to the person or stored pursuant to the Town’s unattended property policy.

8.50.030 Camping in Public Places.

A. Camping Prohibited. No person shall camp in any public park, public place, or upon any public street, except where specifically authorized by the Town.

B. Youth Organization Exception. The Town may, in accordance with the Town's established procedures, issue special use permits or reservation permits to authorize youth organizations to camp or park vehicles overnight in a park. Nothing in this section shall be interpreted to prohibit camping or overnight parking sponsored or approved by the Town of Sahuarita. .

8.50.040 Temporary Exclusion from Town Park Properties

An individual may be issued a written exclusion order by a law enforcement officer barring said individual from a public park for a period of thirty (30) days, if within a one-year period the individual is issued two (2) or more citations in the same park for violating regulations related to park properties. The foregoing exclusion order shall only apply to the particular public park in which the offending conduct under 8.50.030 occurred.

8.50.040 Violation – Penalty.

A. Penalty. A person found guilty of violating any provision of this Ordinance shall be guilty of a Class Three (3) misdemeanor and subject to a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment. Provided however, that, pursuant to A.R.S. §13-707B, a person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of any misdemeanor or petty offense, other than a traffic offense, and who has been convicted of one or more of the same misdemeanors or petty offenses within two years next preceding the date of the present offense shall be sentenced for the next higher class of offense than that for which the person currently is convicted. Time spent incarcerated within the two years next preceding the date of the offense for which a person is currently being sentenced shall not be included in the two years required to be free of convictions. Each day that a violation continues shall be a separate offense punishable as herein described.

B. Services. An individual to be charged with violation of this chapter, with the consent of the individual, may be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment in lieu of citation, subject to availability and the Town staff's ability to take the subject to such facility.

C. Mitigation. Upon conviction for a violation of this chapter, in addition to any other factors deemed appropriate by the court, the court shall consider in mitigation whether or not the person immediately removed all personal property and litter, including but not limited to bottles, cans, and garbage from the campsite after being informed they were in violation of the law.

- Section 2. Providing for Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.
- Section 3. Providing for Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- Section 4. Providing for Penalties.** A person found guilty of violating any provision of this Ordinance shall be guilty of a Class Three (3) misdemeanor and subject to a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed thirty (30) days, or both such fine and imprisonment. If within a period of 12 months from a first conviction of this Ordinance a person is convicted of a second or subsequent violation of this Ordinance, the person shall be guilty of a Class One (1) misdemeanor and subject to a fine not to exceed two thousand five hundred dollars (\$2500.00) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Mayor and Council of the Town of Sahuarita, Arizona, this 23rd day of February, 2026.

Approved:

Tom Murphy

Mayor Tom Murphy

CERTIFICATION OF RECORDING OFFICER

State of Arizona)
County of Pima) ss.

I, the undersigned, Lisa Cole, MMC, being the duly appointed, qualified Town Clerk of the Town of Sahuarita, Pima County, Arizona, certify that the foregoing Ordinance is a true, correct, and accurate copy of Ordinance No. 2026-194, passed and adopted at a Voting Meeting of the Council of the Town of Sahuarita, Pima County, Arizona, held on the 23rd day of February, 2026, at which a quorum was present and by 6-0 vote, all voted in favor of the said ordinance. Given under my hand and sealed this 23rd day of February, 2026.

SEAL:



Lisa Cole

Lisa Cole, MMC
Town Clerk

APPROVED AS TO FORM:

Jon M. Paladini

Jon Paladini, Town Attorney